

REMARKS

Claims 1 and 3-20 are pending. No new matter has been added.

The Office Action rejects claims 1-16 and 18-20 under 35 U.S.C. 103 as being obvious over Kendall in view of Rodewald. This rejection is moot as to claim 2 which had previously been cancelled. As conceded by the Office Action, Kendall does not disclose an axial fan disposed to move the flow of air through the heat exchanger, where the axial fan has fan blades with a size and shape to receive air flow along a path substantially parallel to an axis of rotation of the fan blades and to discharge air flow along a path substantially parallel to the axis of rotation of the fan blades.

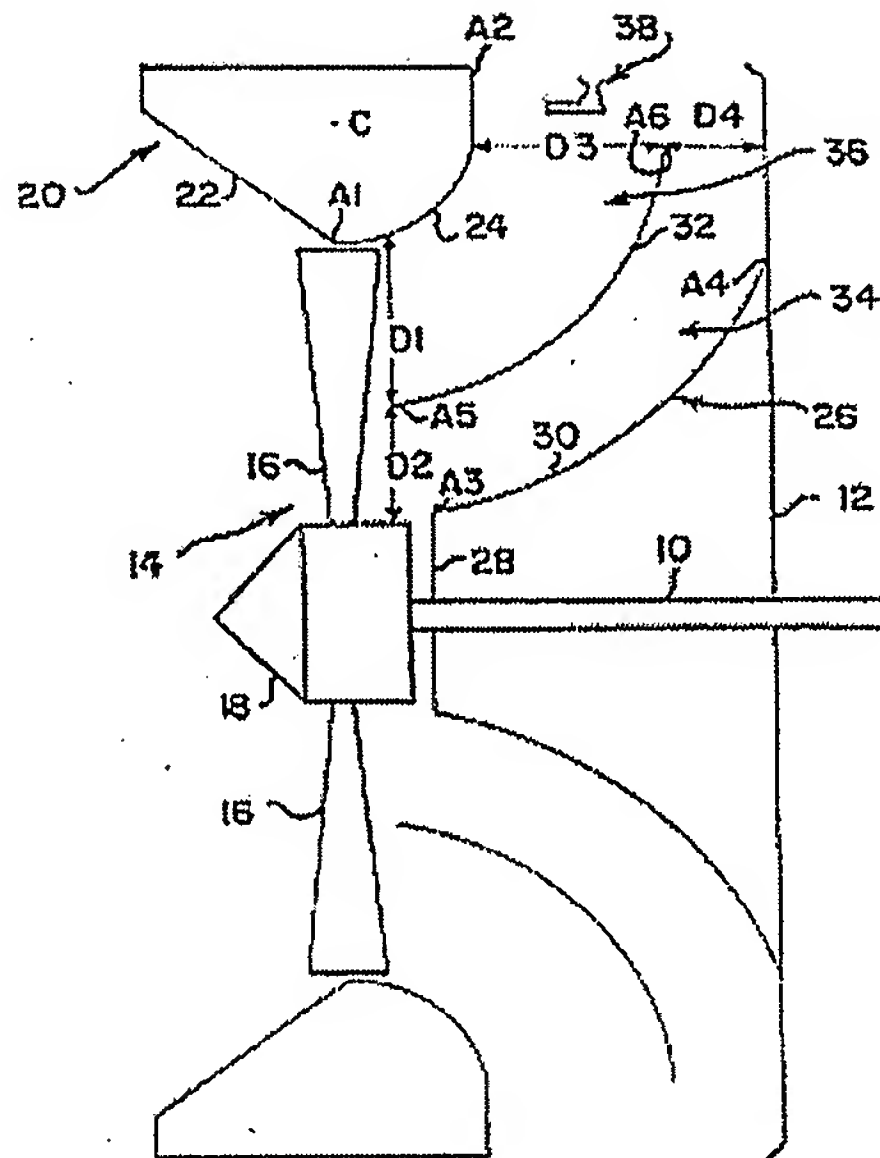
The Office Action asserts that it would have been obvious to replace the radial fan of Kendall with the axial flow fan and air flux director of Rodewald motivated by displacing as much air as possible. The Office Action at page 9 further asserts that such a modification is not against the teaching of Kendall. The Office Action at page 9 additionally asserts that the axial fans that the Kendall system is replacing are of the type where "both the intake and exhaust air streams generated by the fan are directed along the fan axis." The Office Action at page 9 then states that the Rodewald axial fan is a "completely different type of axial fan."

Claims 1, 3-16 and 18-20 include the axial fan having fan blades with a size and shape to receive air flow along a path substantially parallel to an axis of rotation of the fan blades and to discharge air flow along a path substantially parallel to the axis of rotation of the fan blades. This is the very "type" of axial fan that the Office Action concedes Kendall is replacing in its system. Kendall makes it abundantly clear that the very objective of Kendall is to avoid the use of this "type" of axial fan. For example, Kendall states that "[a]nother object is to provide a system of the above type which employs a radial fan as an integral component." (Kendall col. 2, lines 45-46). Kendall

goes to great lengths to explain the perceived flaw in the use of axial flow fans with CT systems. (Kendall col. 1, lines 25-54).

"A reference may be said to teach away when a person of ordinary skill, upon reading the reference, would be discouraged from following the path set out in the reference, or would be led in a direction divergent from the path that was taken by the applicant . . . [or] if it suggests that the line of development flowing from the reference's disclosure is unlikely to be productive of the result sought by the applicant." *In re Gurley*, 27 F.3d 551, 553 (Fed. Cir. 1994). The Supreme Court has emphasized that when the prior art teaches away from combining certain known elements, discovery of a successful means of combining them is more likely to be non-obvious. *KSR International Co. v. Teleflex Inc. et al.*, 127 S.Ct. 1727, 1739-40 (U.S. 2007)(internal citation omitted). The Office Action's assertion that despite these teachings of Kendall, one of ordinary skill in the art would still replace the radial fan of Kendall with an axial fan, flies in the face of the precedent of the Federal Circuit and Supreme Court. It is difficult to imagine one of ordinary skill in the art being more discouraged from modifying the Kendall system by replacing the radial fan with an axial fan than when he or she reads the Kendall specification which elaborates on the perceived flaws in the use of axial fans in CT systems, which indicates the very objective of the invention is to utilize a radial fan, and which states that "[b]y using a radial fan rather than an axial fan of the prior art, the speed of fan rotation can be decreased without significantly reducing cooling power." (Kendall col. 1, lines 25-54; col. 2, lines 45-46; col. 4, lines 60-62).

It is unclear as to why the Office Action at page 9 asserts that the Rodewald axial fan is a "completely different type of axial fan." The Rodewald fan is shown as follows:



The Rodewald fan is an axial fan with blades 16 that receive and discharge air along the fan axis. The cone-like air deflector 26 is required by Rodewald in order to turn the air flow path in a radial direction. This "type" of axial fan is the very "type" that Kendall is attempting to avoid, and is thus teaching against its use.

As such, the Office Action's suggested modification goes against the teachings of Kendall, and claims 1, 3-16 and 18-20 are patentable over Kendall and Rodewald.

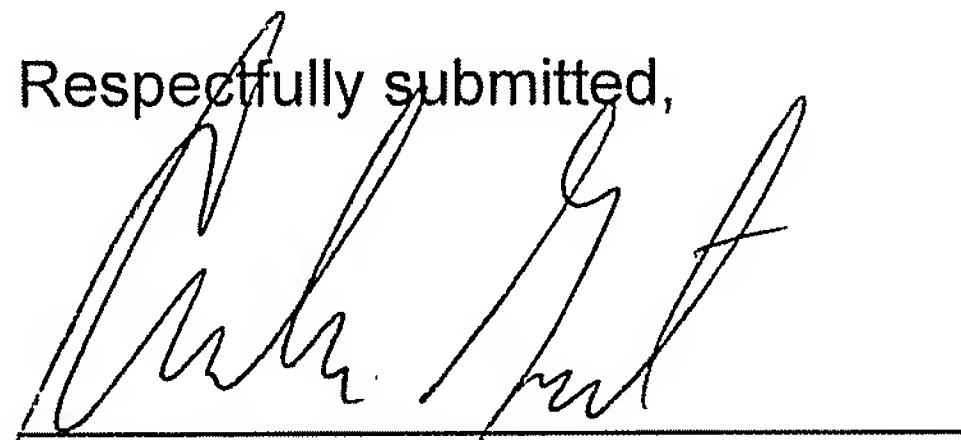
The Office Action rejects claim 17 under 35 U.S.C. 103 as being obvious over Kendall in view of Rodewald and further in view of McCarthy. As described above, Kendall teaches against the use of an axial fan disposed to move the flow of air through the heat exchanger where the axial fan has fan blades with a size and shape to receive air flow along a path substantially parallel to an axis of rotation of the fan blades and to

discharge air flow along a path substantially parallel to the axis of rotation of the fan blades. Thus, there is no motivation to combine Kendal with Rodewald and McCarthy.

Accordingly, for at least the above-described reasons, withdrawal of the rejections is respectfully requested. Favorable consideration and early issuance of the Notice of Allowance are respectfully requested.

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Respectfully submitted,



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